IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.6700 of 1999

The Pharmaceutical Manufacturers
Association of Tamil Nadu
Block D-1, Baid Metha Complex
183, Anna Salai, Little Mount,
Saidapet, Chennai-600 015.
Represented by its President,
Mr.Salvador Fernandez. .. Petitioner.

Versus

1.The Union of India
Rep. by its Secretary,
Ministry of Labour,
New Delhi.

2.The Employees State Insurance
Corporation,
Panchadeep Bhawan,
Kotla Road, New Delhi-110 002.

3.The Deputy Medical Commissioner,
(Rate Contract)
ESI Corporation, Panchadeep Bhawan,
Kotla Road, New Delhi-110 002. .. Respondents.

Prayer: This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the Tender Notice for the purchase of drugs and dressing by the ESI Corporation by the third respondent published in Hindustan Times, dated 3.4.1999 and quash the said Tender Notice published by the 3rd respondent published in Hindustan Times, dated 3.4.99 in so far as it relates to condition No.3(i) of the Terms and conditions for running Rate Contract in Page 13 of the Tender Form and consequently direct the respondents to consider the tender submitted by the member of the petitioner association without reference to the impugned condition No.3(i) of the Terms and conditions for running Rate Contract in page 13 of the Tender form.

For Petitioner : Mr.M.Sriram
For Respondents : No Apperance (R1)
Mr.G.Desappan (R2 and R3)

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O R D E R

Heard Mr.M.Sriram, the learned counsel appearing for the petitioner and Mr.G.Desappan, the learned counsel appearing for the second and third respondents.

2. It is submitted that the petitioner is an Association of Pharmaceutical Manufacturers of Tamil Nadu having its registered office at Chennai. The petitioner Association is a Registered Society and it has been formed for the purpose of voicing grievances of its members, who are all manufacturers of Pharmaceutical formulations. While that being so, the third respondent had invited tenders through a Newspaper publication published in the Hindustan Times, dated 3.4.1999, for the supply of drugs and dressings to the various Hospitals under its control and maintained by the second respondent Corporation. Challenging the said tender notice, the petitioner has filed the present writ petition, on the ground that it is in violation of the Rules governing the calling for tenders and that there was no application of mind while calling for tenders by the third respondent and on such other grounds as stated therein.

3. At this stage of the hearing of the writ petition, it is submitted by the learned counsel appearing for the petitioner that the tenders in question were called for with regard to a contract, which was to be effective from 1.6.99 to 31.5.2000. It is also submitted that the members of the petitioner association had also participated in the tender and they have been supplying the drugs and dressings to the hospitals run by the Employees State Insurance Corporation. Therefore, no further orders are necessary to be passed by this Court in the present writ petition.

4. Recording the said submission, this writ petition is closed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary,
Union of India
Ministry of Labour,
New Delhi.

2.The Employees State Insurance
Corporation,
Panchadeep Bhawan,
Kotla Road, New Delhi-110 002.

3.The Deputy Medical Commissioner,
(Rate Contract)
ESI Corporation, Panchadeep Bhawan,
Kotla Road, New Delhi-110 002.

1 cc To M/s.M.Sriram, Advocate, SR.74089.

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AD(CO)
RVL 27.12.2007

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